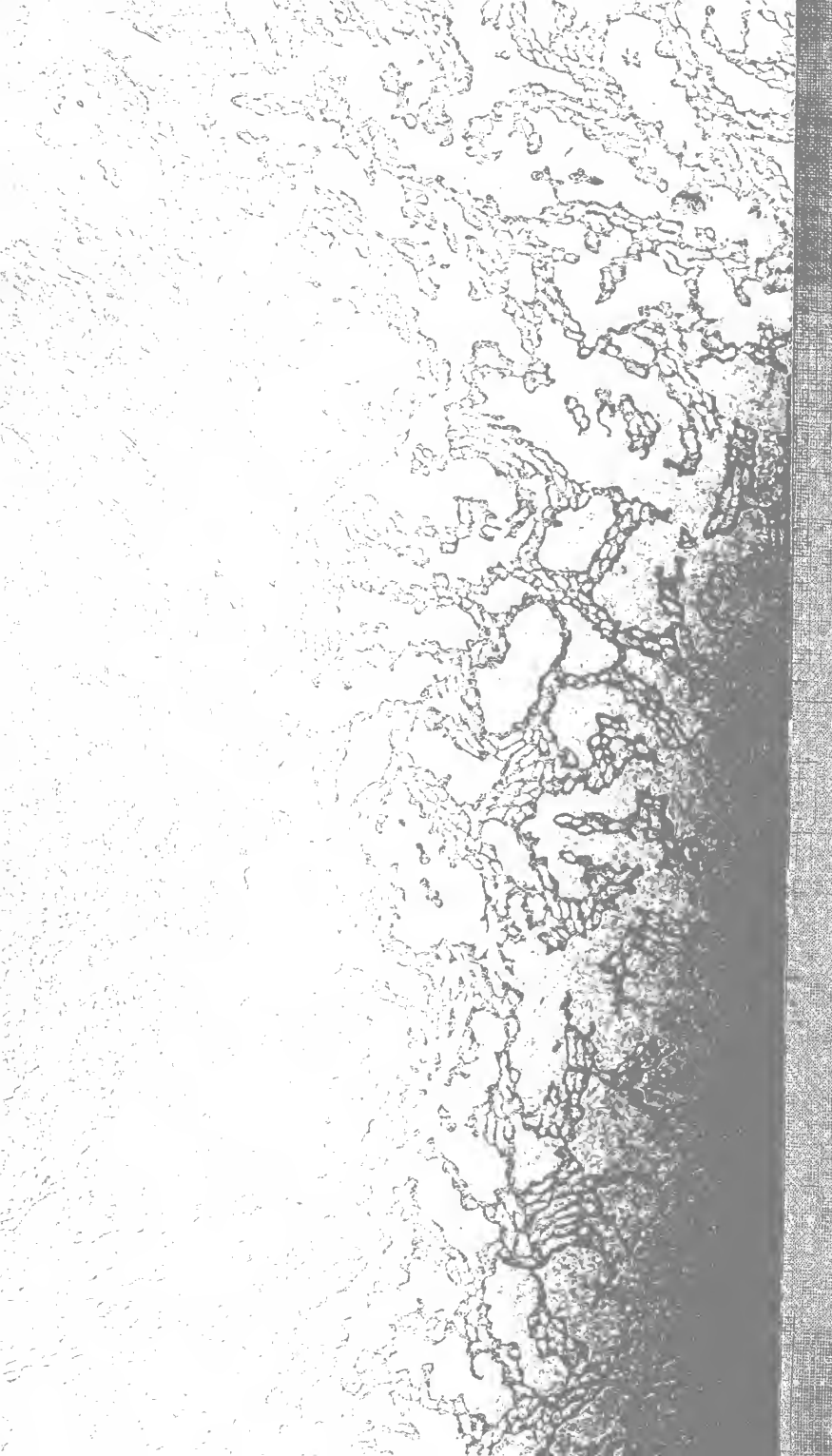
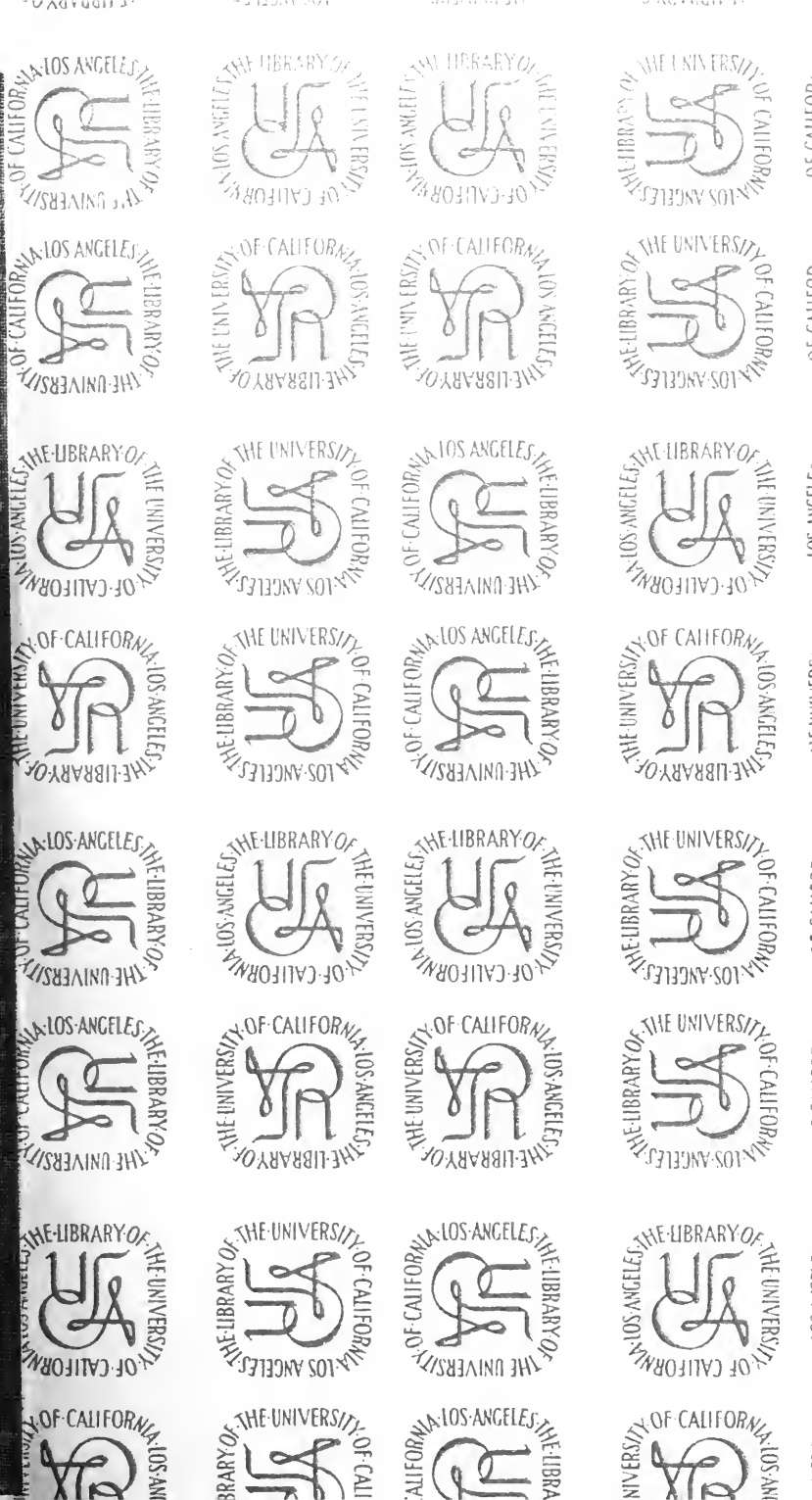


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AN

# ADDRESS

TO THE

PEERAGE OF HIS COUNTRY,

BY AN ENGLISHMAN.

“Fit audience let me find though few.”

Nottingham:

PRINTED BY H. WILD, RUTLAND STREET.

# TO THE PEERS OF ENGLAND,

## *IN PARLIAMENT ASSEMBLED.*

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MY LORDS,

When you peruse this address, the representatives of the British People will have transmitted to your Illustrious House a Bill, which, both in its tendency and principle, is fraught with no common interests. Such is the nature of this Bill—such its amplitude of aim and range of operation—such the circumstances that gave it birth and the sanction with which it has approached you, that it can scarcely fail to elicit your most serious attention. It may therefore appear strange that an unknown individual should with deliberate confidence advise you on the discharge of your immediate and proper functions. My Lords, there are events in life when ordinary rules and common observances must give place to modes of action peculiar and express. Our present political state is one of these. And no charge of presumption will lie against me when the remarkable condition in which this Bill has placed you is fairly and frankly weighed.

Permit me then to shew the situation in which you stand; and the circumstances by which you are surrounded.—

You are called upon to limit your own resources, to curtail your hereditary means of wealth and power, to give up the possession of privileges which have been retained for ages. You are also called upon to disfran-

chise beyond your immediate retainers—to cut off the privilege from thousands of unborn beings who would else have claimed it as their heritage. And you are further called upon to give the franchise to places and to persons, in whom, by the constitution of the Empire, it has not yet been vested. In other words, you are required to recognise certain arbitrary limits of population and of rental as the bases for the franchise—thus distinctly giving to the Commons' House of Parliament a Constitution new, definite, specific;—thus distinctly elaborating into being an agent, whose will and energies for good or evil appear dubious, because untried. These are the things which you are called upon to do: and that, not only by the fiat of the Commons' House, but by the unanimous voice of a great people, with the express sanction of their King. And you are thus called upon to act at a time when Constitutions and Reforms and Revolutions are making the tour of Europe and the World: and when the expanded intellect of your country is bursting from its fetters, and demanding range for its energies, and aliment for its growth.

Such is a brief, and, I trust, a candid statement of the circumstances in which you are now placed: and believe me, my Lords, no Parliament has ever sat in England with higher duties to perform, or with greater difficulties to surmount.

What will you do? My Lords, the question involves a doubt: and the consciousness of that doubt has compressed into a solemn hush the minds of millions of your fellow men. Permit me to call your attention to a calm, I will add a severe, a stern survey of the great features of the Bill, and of the times. What are the great features of the Bill? Under what aspects will it present itself to a correct discriminating mind? The answer is at hand—In its effects on the recipients of its

action.—And what are those recipients? The personal interests of the Borough patrons, and the Constitution and estates of England. On these the action of the Bill will be immediate and direct. Particular interests—Colonial, Ecclesiastical, Funded, Landed, Agricultural, and Commercial,—and the interests of the various classes of the people, will be, more or less, affected: but on them the action will be remote, and through the medium of the constitution. To the effects which this Bill will produce upon the Constitution, your attention then must be most steadily directed.

And, during every process of this consideration, it will be necessary to bear in mind the fact, that no institution or act of legislation ever was or ever can be faultless where conflicting interests are elements of the one or patients of the other. Compromise and mutual surrender are the terms of our political no less than of our social being. Abstracted rights have, in human policy, no place, else would the children of the dust soon revel in the eagle's nest. There is yet a truth that must not be withheld. Should the examination, on which we are about to enter, eventually lead you to infer, that the forms and principles of the Constitution, and the balance of the Estates of England, and peculiar privileges and rights, and even the general interests of society, are, more or less, invaded by the provisions of this Bill, there may yet be motives sufficiently strong to justify your acquiescence both in its principle and in its details. These motives will appear in their proper place: at present the object is to examine the effects of this Bill on the Constitution and Estates of England.

My Lords, reflection will evince that the direct bearing of this Bill upon the British Constitution is, with certain limitations, to restore it to its theory by expurgating the abuses of its practice:—a process which will



of course effect an important action upon the Estates of which that Constitution is composed. It will make the Commons' House an organ of the public will; at least as far as that will can be inferred from the prescribed limits of constituency.—It will divest your illustrious assembly of certain privileges which the Constitution, though it *tolerated*, did not *give*: and which have enabled you at all times to negative the wishes of the people in a manner less overt and direct than by the exercise of that full legislative function which she wisely placed at your disposal. The Bill will also effect an action no less important on the Crown. It will prevent the Monarch from being overshadowed by his Peers: and from appearing “in dim eclipse” unto his people. That such will be the effects of this Bill can scarcely be denied: but perhaps in these effects a majority of your Lordships may discern nothing but evil. Alas! my Lords! is it evil that the poor man should have an efficient organ through which to make known the wrongs and the burthens that press him to the earth? Is it evil that he should rise in the scale of humanity, and find plenty at his board, and smiles within his dwelling? Yet, if these be not evil, and if the present form and practice of the Constitution have not placed them within his reach, can you demur to try an experiment in his favor? Yet political experiments are big with danger! Not when the hypothesis on which they rest is conformable to admitted theory and recorded practice. But if the *remote* prospect of danger be appalling, look to the deep stern silence of the people, look to the calm depth and the majestic flow that precede the unimaginable rush and dash of the precipitated and outraged water of Niagara, and in their phisical and moral consonances you will discern a *nearer* danger.

I am aware that, in the opinion of many of your au-

gust assembly, there are several important evils connected with the unmodified theory of the British Constitution. The express prerogatives of the Crown are said to be endangered, if the voice of the People have a more perfect utterance in their House of Representatives, and the means of corruption be less active in the Executive. My Lords, this opinion is a gratuitous libel on the good faith and the clear intellect of Englishmen. The only prerogative of which the people have complained is that relative to war; and then the complaint was, not so much as to its use, as its abuse. The people desire that such prerogative should remain, well appreciating the national strength inevitably resulting from the energy and point of a single will. Should this will act from caprice rather than wisdom, they have a sufficient remedy in the stoppage of supplies. But your Lordships may refer to future times: you may wish to calculate the motives and the conduct of an unborn people. The speculation is not unwise. We will suppose a case. We will suppose that the progress of civilization, by which I emphatically mean the progress of our moral and religious feelings, has taught us the fearful criminality of war. We will suppose that the people constitutionally divest the Crown of the deep responsibility connected with this unenviable prerogative. Will the power and dignity of the Crown be *less* or the peace of the Monarch *more*? It is a fatal error to regard arbitrary exertions of irresponsible authority as manifestations of real power. Were these synonymous, which would be the more powerful, William the beloved the great the good—or the keeper of a madhouse, the Tyrant of Portugal, a Bully, the Autocrat of all the Russias? But this is speculation. Years after years will vanish into centuries, ere Englishmen will learn the deep and deadly turpitude of War: and, till that

period, the prerogative in question will remain vested in the Crown.

Correct political power, my Lords, is the capability of wielding the social elements for the social good.—Whether the exercise of this power be immediate with the agent, or otherwise, signifies not.—The SUPREME AGENT works by functionaries subordinate and remote. The sun enlivens the earth; and the earth teems with her harvest; and we eat of the labor of our hands; and thank our Maker for the gift. Should the Constitution approximate unto its theory, surrounded by his family and by his subjects, in the calm enjoyment of domestic loves and friendships, and in the deep consciousness of the gratitude of a regenerated empire, would not William the Fourth, acting for his people through the constitutional organs of society, be the fountain of a power more full, more real, more intense, than that which lurks beneath the frown of those who deal the bowstring and the knout, the poniard and the bowl to slaves and fools?

But it were a tame surrender of a certain truth to insist solely on this topic. The theory of the Constitution recognizes an efficient King.—The present practice of the Constitution has reduced him to a cypher.—An Alfred would prefer a prison to a Throne, unless he could do what your king now requests your aid in doing.

It has been said, that a reversion to the primitive simplicity of the Constitution, would lessen your illustrious house, both in authority and agency. Than this, My Lords, it is scarcely possible to conceive a fallacy more easy of detection. The power of your august assembly can never decline, unless you permit a strong moral antethesis to arise between your views in legislation and those of the Commons' House. If, forgetful of the duties of exalted station, deaf to the voice of reason and

humanity, you arrest in your seat of legislation every effort of the people to advance their interests and improve their being,—and, if you do this in defiance of protest and petition, and that too at a time when the lower house is labouring with honesty and zeal to discharge its trusts,—then, my Lords, I will not answer for the event.—The civil war that terminated in the decapitation of the second Stuart, and the complete subversion of the state, had its commencement in a similar contrast, and in similar aggressions. The people have already borne much; and they know the origin of their wrongs: yet they admit there are many palliatives; and they regard you with respect.—There are further prospects for you in futurity: even now you might command the reverence of England, the admiration of the World.

I have said, that the authority and utility of your house can decline but by a wanton aggression on the rights of the people. I now say, that, in the event of your emancipation from a degrading intrigue with the lower assembly, the diverging interests of two great classes of the people will open to you a constitutional and a most ample field of power. The grasping demon of accumulation and monopoly is now parading every walk of life, leaving want, and wretchedness, and crime, as monuments to mark where he hath been. The evil of commercial wealth will be more and more felt by the poor.—It is not in the nature of things that it should be quiescent, or react upon itself, and so perish or decay.—It will advance, and spread, and take root, and bind its crushing fibres around every germ of domestic happiness and household virtue.—In vain may political economists utter their hired cant—though their pens “dropt manna”, they could not make “the worse appear the better reason.” In vain will the poor mechanics and starved artizans form unions, leagues, and compacts,

to protect their bread.—The bane will continue: and it will grow—there is yet no counter principle stirring in the social elements to check its action. Should your illustrious house resolve to quit your shackles, and to stand in the fulness of your native strength, in the extremity of deep distress, to you would the dejected operatives appeal for succour and for counsel. To check corruption, not to aid it, is the legitimate province of a British Peerage. My Lords.—There are elements now floating in the minds of men, and in the institutions that surround us,—glimpses of probable good—foresights of political and social capability—which, collected and compressed and vivified by that Promethean spark, the collective wisdom and the chivalric spirit of your forgotten fathers were wont to infuse into our laws, would form a bulwark against that cruel tyranny—the cold the selfish Aristocracy of Commercial Wealth.

“ Snatch from the ashes of your Sires  
Some embers of their former fires !

think for the people: think for the myriad victims to those incarnate “ money-bags”

“ Half-witted men, who turn an easy wheel,  
That sets sharp racks at work to pinch and peel.”

You have the means.—Society can take cognizance of every social evil:—She can provide specific remedies for specific wrongs, a general protection against a general injury; and she can commence her workings in that function which seems best adapted to the work.

The Bill now pending, contains material, which, however distasteful to the lower orders, will, in its operation, so dispose events as to produce between the two Estates a perfect equilibrium. When it is seen, on the one hand, that the essential institutes of the Estates have nothing in common, it will appear, on the other hand,

that the constitution of the one will enhance the capabilities of the other.

The very fact, that the limit of a £10. rental excludes from the Commons' House the full and perfect representation of the operatives' interest, firmly establishes the compensating fact—that the power of the House of Lords will be called into more energetic operation on its behalf. And thus the most unamiable feature of the Bill, that which affixes a pecuniary limit at which political power may exist, and below which it can have no being, becomes “a strong antagonist principle in the mechanism of policy, insuring an equilibrium, however great may be the intensity of action.”

This important truth may be rendered very clear by the consideration of extreme cases.

First.—Infuse into the Commons' House a sufficient portion of the direct influence of the Peerage; and there results, between the two assemblies, a monotony of aim and will—a monotony which shallow men call “harmony,” but which correct thinkers regard as something very analogous to the voice of a single Estate. Indeed, between two Senatorial assemblies, composed of uniform elements, and an undivided Senate, there is but one distinction. The latter is more efficient than the former, because conducted with less of expense in all the items of its action—time, wealth, and agency. It would be better far that the two Estates should blend, or that one of them should cease to exist, than that they should continue in their present unnatural relation. The scorn with which the Peerage is regarded, by a certain party in the State, arises from the conviction of this fact.

Secondly.—Gratify the wishes of that portion of the community who are smitten with the beautiful theory of equal and inherent rights: and give to them a house of real and efficient delegates, chosen by universality of

suffrage,—men sworn to do and to say just what they are told to do and say.—Could a House of Peers exist in such a state of things?—Yes! if it applauded and approved; else not for an hour.

Neither of these extremes, then, is favourable to the Peerage; and their comparison shews, that, in a mixed Constitution like that of England, its Estates must be so constructed that their separate actions shall neither be identical nor opposed, but conformable to that great, that unalterable law, which the Creator has imposed upon all complex action, whether moral or physical—muscular, mechanical, sidereal.

It will be obvious to your Lordships, that the great Law, which directs the operation of all complicated agency, can be made active in our Constitution by no other means than by keeping the elements of each Assembly essentially distinct, so far as to give to each a specific action, yet not so far as to render those actions too abstractedly adverse. If your Lordships can devise a Bill, more palpably adapted to the purposes of this compound action, it will be your duty to unfold it to the eye of England. If not, I can see but one alternative.—Accept that which is now tendered. It has every advantage. It is founded on the principle of compromise and mutual surrender. It is a medium between two very undesirable extremes. It possesses features and capabilities *sui generis*, features and capabilities of which neither the Aristocratic nor the Democratic system is or can be possessed. And those features and capabilities are all favorable to your Lordships; and though ultimately favorable to the people, yet solely through your legislative medium.

But it is said that this Bill will bring into St. Stephen's, men pledged to carry into effect the reckless wishes of an ignorant Constituency. My Lords, if that

Constituency, in the present state of mental excitation and political discontent, were universal, there would be ground for the assertion: but when your Lordships reflect that the Bill restricts the suffrage to a class of men, placed far above the common wants of life, and including a vast majority of Traders, Manufacturers, Merchants, Agriculturalists, Divines, Physicians, Surgeons, Lawyers, Bankers, Gentlemen, &c. individuals representing in their own persons every interest of the State—Commercial, Funded, Landed, or Colonial,—you will admit that you have no cause for fear upon this head.

We will now pass to a consideration which more immediately affects your Lordships. You are called upon to pass a species of sentence on yourselves—to give up valuable privileges, privileges which you have long retained as rights, and that too under legislative sanction.—And this surrender you are called upon to make, by a Bill, the preamble of which sets forth no impeachment of your “*right*,” no cause of forfeiture, no show of benefit, except the general plea of undefined unlimited “*expediency*.”\* See note at the end.

My Lords, forgive me if I observe that this surrender should be no difficult task with the Nobles of England—the hereditary rulers of a great and a magnanimous people. Such is the tenure of human existence and enjoyment, that we can scarcely pass a day without being called upon by circumstances to surrender important privileges to the welfare of our fellow men; and, in a multitude of cases, the impelling circumstances neither impeach a right nor infer a forfeiture nor demonstrate a certain benefit as resulting to Society from the surrender; yet we surrender, with good feeling, because the balance of probability evinces that social benefit may result: and, however vaguely the expediency may refer to the happiness of others, we pay regard to



the least contingency of that happiness, because the diminution of distress is the most intense of all imaginable blessings. I speak to correct feelings, and to manly breasts; and the statement will not appear overcharged, even to those who but by theory are acquainted with the laws of our moral nature and the obligations of humanity.

Independently of our better feelings, pride is an agent capable of working very similar results.

“ Too high for common selfishness, he could,  
At times, resign his own for others' good ;  
Yet not in virtue—not because he ought—  
But in some strange perversity of thought,  
That sway'd him onward with a secret pride  
To do—what few or none could do beside.”

Yet this same pride will, in certain circumstances, react upon our virtues. Many, who would yield at the remotest appearance of request, will deny at the full front of an absolute demand. Yet, my Lords, the Senators of a great Empire should be masters even of this almost interminable passion. I will not insult the good feeling of your Lordships by dwelling longer on this subject.

If, after all that has been said, your Lordships are still dubious as to the Wisdom or Policy of passing this important Bill, there may yet be another argument advanced on its behalf—I mean, my Lords, that of necessity.

In the transition from ignorance to knowledge, there is a kind of moral twilight, similar to that which separates darkness from the day. In this morning twilight of the mind, the majority of the people of England are now placed. Viewing every political event through a misty and distorting medium,

“ With just enough of light to see their wrongs,  
But scarce enough to see their remedy,”—

they are ready to follow with mad enthusiasm every phantom that pride or hope, despair or discontent, can place before them. To the Metaphysician this may afford matter for curious speculation; to the Philanthropist it may open a wider field for pity and benevolence; but, to a Patriotic Legislature, it is a subject worthy of more profound and more deliberate observance. My Lords, it is useless to delay the disclosure, or to disguise the fact—the People demand this Bill. Or right or wrong, or wise or foolish, simply and sternly they demand it: nor can your wisdom avert the deep and deadly consequence of a refusal. And what will be this consequence? A blow that will sap the very foundation of the Peerage—not by civil tumult or revolt, but by a more tremendous and efficient agency. 'Tis true, the infuriated passions of the lower and more numerous class might impel them to the former mode of action; but there are other elements, now slumbering in their strength, whom your refusal would awake—Thousands of energetic minds advanced in knowledge and mature in intellect, to whom the form and fabric of our Constitution is as a text-book; and to whom its spirit is

“As a fountain of fresh life and soul.”

These would arise in their gigantic might, to calm the passions of the multitude, to calculate their aim and to direct their blow.—And what would be this blow? My Lords, as far as the provisions of this Bill may be involved, *an integral an undivided transfer of the Constituent Authority unto the Crown*.—Than this, I can scarcely imagine an event more deadly to your House. To your Lordships, perhaps, it may appear a trifle.—Regarding the Bill as an evil, yet knowing that it must eventually exist, you may perhaps determine to evade your duty, and smile at the result. But, remember my Lords, if not for yourselves, yet for that numerous and outraged class

whose future destinies the provisions of this Bill seem to have left unto your keeping, remember—that the Constitution of England, in which and by which alone you have political life and being, does not exist in any express declaration, code, or compact, but in inference and deduction, not only from the ordinary plan and operation of passing circumstance, but from the precedents of History. It is for your Illustrious House to calculate the momentum of such a precedent as that to which I have alluded.—To me it seems too clear, that, if a vote of the Peerage be once evaded, the authority of your House will be set aside for ever.

With unfeigned humility, and deep respect, my Lords I would conjure you by the memory of your Fathers, by the hopes of your posterity, by the future destinies of your Country, be not accessory to a blow so deadly to your legislative being, and so fatal to the best interests of England, as that which will inevitably result from your rejection of this Bill.

To the Peers of England,

In Parliament assembled,

By their Lordships'

Most obedient and most humble Servant,

WILLIAM POWERS SMITH.

*Nottingham.*

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“Whereas it is *expedient*,” &c. says the Bill to deprive many considerable places of the “*right*,” &c. and “to grant such privilege,” &c. A lawyer, occasionally, as well as other people, may find it more easy to write loosely than correctly: but a Bill involving the most important interests,—a bill, the effects of which for good or evil may be felt to the remotest posterity, should, for its Author’s sake, be free from inconsequential blunders, and, for the Country’s sake, from such as may lead to evils of appalling magnitude.—The first sentence of the Bill confounds *privilege* with *right*, and speaks of the latter as of a bubble, which the

breath of *expediency* may disperse at will.—“Whereas it is expedient, &c. to deprive of the *right*,” &c. Is this the language of modern legislation? Had such assumption been a prelude to some road or street bill, the error would have been seen: yet the franchise is a species of property than which none is held by a tenure more definite in terms, or more capable of legal protection. In local enactments, such as above alluded to, the Parliament of England may *transfer* right, at an equitable appraisement, when such transfer is shown to be expedient: and this transfer gives “*privilege*” to the party on whose behalf it is made. By this privilege he evidences his right: by this privilege he enters on possession. Here is an exercise of power every way Constitutional; and well understood, because of frequent occurrence: yet it involves no “deprivation” of right. The power itself, may, in a popular sense, be said to be inherent in the Assembly who exert it—its discretionary exercise being expressly understood in the compact made by them with their Electors.

Not so with the Franchise. This can never be invaded except by an immediate utterance of the Constituent Authority—a distinct warrant, a specific mandate from the People. Were either the right or the fact other than this—did such discretionary power cohere with the essential institutes of the assembly, or did it exist by usurpation, a venal House of Commons might surrender, to a despotic government, the Constitution of the Empire—the Liberties of the People. They might, “at one fell swoop,” declare all future Parliaments illegal, and annihilate their legislative being: or, vice versa, they might declare their sittings permanent and make their seats hereditary.

As the view here entertained of the Law of Parliament is dependent on the highest Whig Authorities, it can scarcely fail of being somewhat unpalatable to a certain party in the State; but surely consistency demands its acceptance at the hands of their political opponents. The framer of this Preamble will do well to consult more closely the Legal authorities and the Constitutional principles of his Country.

Before I quit the subject I must observe that, at one period of the debate, the Official Patron of the Bill seemed about to avenge the quarrel of his House upon the elegant, the severe, the Patriotic Junius.—His argument relative to the franchise, if absolutely established, would have overthrown the most fearful the most indefensible position of that Writer: and would have elaborated a TRUTH capable of imparting a fresh fragrance even to the name of RUSSELL.

The duty is now placed in other hands. The genius of England is awake. Her eye is fixed upon the Chancellor. *He* will not forget, that in every important Act of Legislation, the elaboration of its Principle should precede its operation. He will remember that we have known him as *Henry Brougham*, and he will feel that the full performance of his official duty alone can mate with the dilating grandeur of that name.

# LAW VERSUS PHYSIC.

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## A SHORT HISTORY

OF AN

## EXTRAORDINARY WILL CAUSE.

THE SURREPTITIOUS DETENTION OF TRUST PROPERTY  
TWO YEARS AND FOUR MONTHS.

A LETTER ADDRESSED TO

ARTHUR WELLS, ESQ., SOLICITOR,

CLERK OF THE -PEACE,

BY

THOS. ROBT. TATHAM, M.D., F.A.S.L., &c.,

NOTTINGHAM,

TRUSTEE UNDER THE SAID WILL.

Consulting Physician and Surgeon, and Consulting Obstetric Physician,  
in cases requiring manual and instrumental aid, also the treatment  
of the Diseases of Women and Children.

Late Surgeon to the Huddersfield General Infirmary.

Medical Officer nineteen years to the Huddersfield Workhouse Hospital,  
having an annual average of 200 patients.

Resident Surgeon to St. Mary's Parish Hospital and Dispensary, from  
1827 to 1831, (Nottingham).

Two years President of the Literary and Scientific Society, Huddersfield.

---

Oh! once tell true, tell true, even for my sake;  
Durst thou have looked upon him, being awake,  
And hast thou killed him sleeping? Oh, brave touch!  
Could not a worm, an adder, do as much?  
An adder did it; for with doubler tongue  
Than thine, thou serpent, never adder stung.—*Shakespeare.*

"But while men slept, his enemy came and sowed tares among the wheat, and went his way."

"For every one that doeth evil hateth the light, neither cometh he to the light, lest his deeds should be reproved. But he that doeth truth cometh to the light, that his deeds may be made manifest."

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## PREFACE.

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In submitting the following pages to the public I am actuated by the love of liberty, fair play, and honourable dealing, and my disgust at any thing of a contrary tendency.

Disgrace attending misconduct is the most urgent necessity; because all acts of violence committed in a free state by one citizen against another, are in the eye of the law committed against the state. The proper administration of the laws is the safeguard of our national honour and prosperity; equity should be the sole principle of rule; to depart from the ennobling qualities of rectitude, honour, and good faith, in any transaction of life, political or social, is the downward road to destruction. The laws only, not the caprice of an individual, should be the controller of our actions, for as all prerogatives and privileges are but trusts, none of them can be abused without producing mischief. The man who descends to private intrigue, giving the loose to his passions and prejudices, Is it not palpable that he cripples and degrades the honourable office to which he was elected? An unscrupulous man may exult with impunity derived from success in flagrancy of crime, whilst those assailed are deterred from vindicating their liberty, labouring under an impotent fear of adding to the weight of their bondage. If the love of tyranny is rooted in some through an evil disposition or a corrupt education, we must apply motives of such force as will transform them from vicious to good citizens. Whosoever therefore shall venture to stand upon secret and corrupt influence, whatever their station, abilities, or fancied security may be, will find that when the crime is discovered, it will rebound with ten-fold violence to their discomfort and dishonour. It is impossible to mistake the tone and spirit of impurity, for every man knows and feels the difference between mere opinion and a practical conviction of its reality; deception under such guise is cowardice; falsehood destroys confidence and incurs contempt. A wise administration can never stand in need of corruption for the exercise of any of its functions; all who respect themselves will carry out the maxim, doing honestly what they propose to do, scamping nothing, but pride themselves upon their integrity and conscientiousness.

The subject on which I am about to treat is a singular instance of unjust oppression and cruelty: if such conduct is allowed to prevail, there is an end to our liberty and the security of our social rights and privileges. Is it not an appalling circumstance for two elderly gentlemen in the decline of life to find their liberty invaded, and their property devastated, by one whose honourable office ought to have been maintained without either taint or suspicion. I do not wish to impugn any man's character without just and reasonable cause for so doing, but when statements are falsely made, have I not a right to rebut those statements, and to give unequivocal testimony of their falsity? Conscious

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of my own integrity, shall I not dismiss from my mind all apprehension of danger, and expose to view its evil design and tendency, or shall I tamely submit to tyranny and oppression?

“Perfidy is a vice that I do most abhor,  
And most desire should meet the blow of justice  
For which I would not plead, but that I must  
For which I must not plead, but that I am  
At war 'twixt will and will not;  
Lest the most dire offender 'scapes unpunish'd.”

I feel obliged to draw attention to Mr. Arthur Wells' letter, (the Clerk of the Peace), addressed to Joseph Sale, Esq., Solicitor, Derby, in explanation of his conduct in the case, not by the probability or truth of his statement, and still less by the arguments he has adduced in support of it; but because the character of the accuser may with some supply the deficiency of proof, and because the silence of contempt, which its illiberality and weakness would so well justify, might be construed by others into an admission of guilt. Still, in this appeal, I do not expect to meet with uniformity of opinion; that may be impracticable, but standing in the character of a Freeborn Englishman I feel that if I did not expose this tyranny in defence of my rights and privileges as a citizen, my position would be irksome and humiliating, dishonoured in my own eyes and in the estimation of the public. The public has the ability to decide, and the power to punish; it can inflict the severest punishment, that of which despots stand most in awe.

The state gives authority to lawyers, a power to exercise discreetly, not with tyranny, but to act rightly from principle, to repel aggression, and to defend those incapable of defending themselves; to extol whatever is virtuous and honourable, and to shun whatever is vicious and base, regardless of their own personal feelings, when put in competition with their duty. The education of every attorney should embrace an educational course of moral philosophy, that the instruction afforded may induce them to become sober-minded, moral, and benevolent; their professional avocations require that they should possess this model of character of truthfulness and honesty, because the weighty and important interests of the community depend upon it. For whatever conduct tends to the subversion of *morality* and the *social interests* of mankind, deserves the severest reprobation from every member of the profession to which he belongs.

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P.S.—It may properly be asked, why publish two pamphlets on the same subject? My reply is, that the first was printed September 1st, 1867, in answer to Mr. A. Wells' explanatory letter of his conduct in the case, before any scheme had been arrived at (a period of nearly two years) in settlement of the Trust question. The pamphlet was suppressed by the advice of my legal adviser, who said, “that you must not interfere in the matter at all, but leave yourself at the disposal and discretion of those who have the management of affairs in hand to do the best they can for you; better to avoid hostility and accept such terms as may be offered, than endanger the risk of a suit in Chancery. For if the estate should be thrown into Chancery it may be frittered away in legal expenses, and still be doubtful whether you escape the penalties consequent upon the responsibility of your trust.”

T. R. T.

The succeeding pages contain a simple narration of facts as they occurred.



ABSTRACT OF THE  
LEADING FEATURES OF THE CASE.

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THOMAS TATHAM, gentleman, my father, died March 31st, 1846, worth in real and personal estate upwards of £10,000, he appointed his three sons executors to his will, all three proved the will in the Prerogative Court of York, October 17th, 1846.

Thomas Robert Tatham, the Doctor, resided in a distant part of the country, consequently the management of the estate rested almost entirely upon the other two sons; William was the active agent nineteen years, he took upon himself the management of the trusts of the said Will, received all moneys and paid debts and legacies, to the time of his death.

August 12th, 1865.—William Palmer Tatham died, when it was found out that he had run through the whole of his fortune, to within a narrow limit of £235 18s. 5d. in assets, calculating and deducting his liabilities as paid.

It was also discovered that he had removed the securities of the trust property belonging to the estate of his Father, without the knowledge and consent of his Co-Trustees, and invested the money in Great Eastern Railway Stock, he also registered the said Stock in his own name without their knowledge and concurrence.

Wm. P. Tatham made a will leaving to his wife all he possessed, and sole executrix by his Will. The Widow, for some weeks after his decease, was willing to administer to his Will and give release to the Trust funds.

In August 1865, Thos. Robt. Tatham placed the Trust affairs into Mr. Arthur Wells' hands to settle, conjointly for the Widow and Trustees, and to effect a transfer of the stock which he then promised to do with as little delay as possible, the surviving Trustees having promised to pay their late brother's debts, £161 18s. 7d. on a first release of the Trust funds.

## Schedule of the late William Tatham's assets and liabilities as under.

JULY 26th, 1865.

## ASSETS.

					£	s.	d.
Cash in the house	...	...	...	...	15	0	0
Value of Freehold less	}	...	...	...	300	0	0
Mortgage £500		...	...	...	153	7	0
Household Furniture	...	...	...	...	3360	0	0
Railway Stock	...	...	...	...			
					£3828	7	0

## LIABILITIES.

					£	s.	d.
Tradesmen's Bills	...	...	...	...	136	18	7
Interest on Mortgage	...	...	...	...	25	0	0
Trust Estate	...	...	...	...	3014	0	0
Due to Legatees	...	...	...	...	25	10	0
Miss Crowther	...	...	...	...	184	0	0
Smith's Bank	...	...	...	...	207	0	0
Balance	...	...	...	...	235	18	5
					£3828	7	0

*In available assets, £235 18s. 5d.*

After W. P. Tatham's death, the parties interested under the Will of the testator (Thomas Tatham) applied to the surviving Trustees for payment of their dividends on the residue, £3014, on which certain trusts have not expired.

T. R. Tatham on behalf of himself and Co-Trustee requested the Widow to prove her husband's Will and transfer the Great Eastern Stock to him and his brother, or such part thereof as would cover the amount, £3014, due to the estate of their Father. The said stock then stood at £48 per share, it remained at that price until December 1st, 1865. The 70 shares amounted to £3360.

Certificates for a part of the Great Eastern Railway Stock had been deposited by W. P. Tatham in a bank at Nottingham for securing payment of a private debt of his for £200. T. R. Tatham paid £214 1s. 6d. out of his own funds to redeem those certificates, the Widow Executrix at the same time refusing to prove her husband's Will and assign the fund standing in his name.

A Widow, by law, has the privilege of six months grace before she administers to her husband's Will.

The Executrix, Harriet Tatham, acting under the instructions of Mr. Arthur Wells, refused to prove her husband's Will unless her debts, £161 18s. 7d., were first paid by the Trustees.

Every attorney since consulted says, "that to pay moneys before being in possession of the Trust funds is preposterous advice."

Daniel S. Tatham and T. R. Tatham, for the purpose above mentioned have paid their late brother's debts, £161 18s. 7d., they have also liquidated various sums devolving on the Trust, to the amount of £500. The estate kept out of their hands, two years and four months, by which protracted delay it has incurred a loss of £1600.

November 1st, 1866.—The Great Eastern Railway Stock fell as low as £25 per share, consequently a large loss is sustained.

The parties now beneficially entitled to the fund, insist that the surviving Trustees are liable to make up any loss arising from investment or otherwise.

Copy of Mr Arthur Wells letter, in Sections Numbered 1, 2, 3, 4, &c. in order that explicit answers may be given to each clause as they follow in succession :—

FLETCHER GATE, NOTTINGHAM,

MAY 4th, 1867.

Dear Sir,

TATHAM.

I was engaged with the Sessions yesterday or would have replied at once.

Daniel, Thomas, and the late William Tatham, were Executors of the late Thomas Tatham deceased, all three proved the Will and acted under it.

1.—I have not been in any way concerned in the matters relating to that estate, they never advised with me in any way about it. But I understand that they did agree very well over the management amongst themselves, and at last for a number of years, they seem to have left William to do as he liked with it.

2.—Under these circumstances it appears that William invested the *trust funds and also his own estate* in Railway Stock, chiefly in Eastern Counties; whilst he lived he paid the interest of the trust funds to the parties entitled to receive it.

3.—At his death it was found that owing to the depreciation of that class of property, and having regard to his own private liabilities as well as the trust, he was clearly insolvent.

4.—He made a Will leaving everything to his Widow, he had a freehold house in which he lived, subject to a Mortgage for £500, which has been on ever since he bought the premises, many years ago.

5.—He was owing about £150 for various small personal accounts, £200 to Miss Crowther his sister in law, for borrowed money, also £200 to Smith's Bank, for which he had deposited the scrip of certain Eastern Stock as security.

6.—In this state of affairs the Widow came to me to advise her, and Dr. Tatham also came, all parties were then anxious to save the family credit, and also if possible that the Widow should retain her furniture.

7.—And as I could see no help for it, but that Daniel and Thomas would have to make good to the trust estate the loss arising from William's deficiency, it was suggested, that the best plan would be, for them to raise the £150 to pay the private debts.

8.—Then to let Miss Crowther buy the freehold at £700 (which I consider its full sale value) setting the £200 due to her against the £100 she would have to pay for the house over and above the Mortgage.

9.—And that then the whole of the Railway Stock should be considered as trust investment, and be handed over to the surviving Executors, who might sell or hold over for a better time at their discretion.

10.—Dr. Tatham was to bring in the money (to be raised by himself and Daniel) to pay the debts with.

11.—The matter went on in this position for months but the money *never came*, although I uniformly told them the debts must be paid before we could consent to hand over all Mr. Tatham's stock as trust property.

12.—For if we had given that up first, his private creditors would have been left in the lurch.

13.—Clarke and Rothera acted on behalf of Daniel Tatham, and ultimately Percy, Goodall, and Browne for Dr. Tatham, and after many meetings, and much talking, all parties appeared fully satisfied with the plan as at first proposed, as being likely to be productive of least loss to the surviving executors, and it was arranged, that the Will should be proved for an amount to cover only the actual small personal estate of the deceased, in order to keep down the costs.

14.—The only alternative I could see was to wind up Mr. Tatham's estate under the direction of the Court, which I was quite willing to do if required.

15.—Various modifications in the plan were suggested from time to time, but the conclusion was *finally* come to with the full concurrence of Percy & Co., that the Will should be proved for an amount to cover the full amount of the stock

16.—That the house should be sold to Miss Crowther for £700, and that she should take her dividend on her debt out of the estate rateably with the Trustees.

17.—And Mrs. Tatham sold her furniture for money to pay off the personal debts of the deceased.

18.—Whilst I was negotiating with Miss Crowther to get her part of the arrangement carried out, her solicitors being a firm in Yorkshire, Clarke and Rothera informed me, that Percy & Co. now claimed that the Will should be proved for the smaller amount only, as first proposed.

19.—I replied that this required us to go back to the first proposition. To pay off the private creditors, including *Miss Crowther*, before dealing with the funds on this basis, but that I was quite willing the matter should be treated either way, provided that no class of creditors were thereby injured.

20.—After this, Percy & Co. apprized me that they had ceased to act in the matter, and I have not heard anything more until your letter came.

21.—I must add by way of further explanation, Dr. Tatham has thought fit to send round circulars to the parties interested, as regards Mrs. Tatham, Miss Crowther, and also myself. I have taken no notice of these statements, I understand the effect produced by them is very contrary to what the Doctor must have desired.

22.—Mrs. Tatham has always been willing to prove the Will; please to understand this distinctly.

23.—It was clearly for the benefit of the surviving Exors. that the plan to be adopted should be that productive of least loss, as we cannot make more of William's estate than it is, and his Widow has no hope of anything from his private estate for herself.

24.—She has parted with his furniture, the house will be sold, and she will be left penniless.

25.—To this she is quite resigned, and the mode of its being done cannot therefore affect *her*, but it does affect the parties who are responsible for making up the deficiency in the trust funds.

26.—And although I cannot but regret the course Dr. Tatham has thought fit to pursue in the matter.

27.—It is still the wish and intention of all parties for whom I am acting, to do what is best for the interest of all concerned,

28.—I shall be glad to hear your view of the matter.

For self and Partner,

Yours truly,

ARTHUR WELLS.

Joseph Sale, Esq., Solicitor,  
Derby.

Mr. Arthur Wells' letter is written with perspicuity, it has the appearance of candour and sincerity as though every circumstance followed in regular order and succession; that however is not the case, but a mystification of the whole proceedings without dates, intended to mislead and to create embarrassment. It will not bear the pearking\* (scrutiny) by those who are familiar with the facts, the dissection proves it to be a commixture of truth and falsehood. I have not disturbed the continuity of Mr. A. Wells' letter, but numbered the clauses 1, 2, 3, 4, &c., as they occur in succession, that I may be able to give more explicit answers in reply, and to show that my assertion is not without foundation. I now may fairly leave the public to form its opinion on the relative merits of the two statements.

Section No. 1.—Is a gross mis-statement, and Mr. A. Wells knew it to be false at the time he wrote it! All affairs pertaining to the Will and Estate of my Father, the late Thomas Tatham, deceased, have been conducted through his office for more than twenty years. Who sold the Postern Place estate, Middle Pavement, for Tatham Brothers but Mr. Arthur Wells; how many interviews had Dr. Tatham with him on that occasion? Suppose! that Mr. Wells never had anything to do with the estate, Is it not presumptive evidence against himself that he could know nothing, how that estate had been managed by the Brothers? William P. Tatham's fault was removing the securities of the trust property, and registering the funds in his own name.

No. 2.—How he obtained possession of the Trust funds is a puzzle with the trustees; William always said "the remaining securities were in Mr. A. Wells' keeping." If W. P. Tatham had property how could he be insolvent?

No. 3.—This is false he was not insolvent! There was no loss in that class of property; he had in assets £235 18s. 5d.; the Railway Stock had risen in value from £46½ at purchase to £48, it continued at that price without variation until December 1st, 1865, during which lapse of time, three months,

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\* N.B.—*Pearking* is a Yorkshire phrase, to hold up to the light, to examine, similar to that of shining stockings.

Mr. A. Wells had an opportunity of paying all creditors in full, and of realising for the Widow nearly £400. See Schedule of Accounts, page 6.

No. 4.—All he possessed he left to his wife, sole executrix by his Will; the freehold estate appraised at £800 contains about an acre of land, it consisted of a cottage and garden purchased for £600; the pulling down, rebuilding and extension of the premises cost £850; total, £1450, see sections, 8 and 16, in answer, first pamphlet.

Immediately after his brother's death, the Doctor assisted the Widow to make out her accounts, both were then anxious to have everything in readiness before the 31st of August, 1865, they were however kept waiting some days until Mr. C. N. Wright had completed the appraisement of furniture, which bears date August the 26th, 1865. The Doctor acted under the instructions of Mr. A. Wells who suggested that the furniture should be taken at the lowest valuation; by his dictation the Freehold was put down at £700 (although it cost £1450) in order that the Widow might retain her homestead. About the end of August 1865, the Doctor engaged Mr. A. Wells conjointly for the Widow and Trustees, to effect an immediate release of the Railway Stock, the only difficulty then existing was in the transfer of the stock whether it was liable to Probate duty or not. Mr. A. Wells said it was liable to duty, but being trust property improperly held in W. P. Tatham's name, he thought he should be able to get the duty remitted; the Doctor then placed the schedule of W. P. Tatham's assets and liabilities into his hands. Why Mr. A. Wells has thought fit to act contrary to conscience and legitimate duty remains to be seen.

No. 5.—At death he was owing to Mr. A. Wells. for interest on Mortgage £25.; tradesmen's bills, £95.; funeral expenses, which includes new suits of clothes for the family, £41 18s. 7d. Total, £161 18s. 7d. Miss Crowther, £184; Smith's Bank, £207. See Schedule of Accounts, page 6.

No. 6.—The Trustees had the welfare of the widow at heart, it was their wish to render her as comfortable as possible; they were also anxious to save the family credit.

In the face of the foregoing facts Mr. A. Wells advised her not to administer to her husband's Will and release the trust estate, although for months he had an opportunity of realizing for her £400 and paying all creditors in full, had he followed out the instructions and wishes of the Trustees.

The influence Mr. Wells obtained over the mind of the Widow is the source of all the mischief that has since occurred. In a private interview she had with him in September 1865 he told her not to administer to her husband's Will. that the Railway Stock was virtually her property, and she was entitled to any profit that might accrue from it; that the Trustees had no power under six months to enforce deliverance of the said stock, without entering into an expensive law-

suit. This information was communicated when there was no ground for mistrust nor suspicion. He, like the tempter of old, whispered into the ears of frail woman, to be wise unto salvation; he told her that possession is nine parts of the Law, that love and affection are very well in their way, but human nature is fickle, not to be relied upon. Eat therefore of the Tree of Knowledge! Be wise as serpents! I will be your protector and friend! The woman plucked the fruit, but found it bitter to her taste. She then handed it over to her new charmer to do as he pleased with.

“Oh cunning enemy that to catch a saint  
With saints doth bait thy hook! Most dangerous,  
Is that temptation that doth goad us on  
To sin in loving virtue.”

Love and affection, trust and confidence in combination, is the cement that unites families and society into one harmonious whole. Dissolve that cement, all is confusion and anarchy, a chaos of perplexity and strife.

The Trustees had an affectionate regard for Harriet Tatham, they were wishful to assist her to the best of their ability. During the term of grace (six months) the Doctor frequently told her, the longer she detained the trust property the less able the Trustees would be to confer benefits; the injustice of its detention was frequently explained, that it could be no advantage to her paying no dividends, but that it was inflicting serious losses on the Trustees, who had to meet various claims devolving on the Trust, and that on her alone its release depended. Her constant reply was “I am willing to administer and give a release, but I can do nothing without Mr. A. Wells’ consent; Mr. A. Wells is an honourable man, I feel sure that he is doing the best he can for all parties interested under the Will.” Section 22 of Mr. Wells’ letter says “That Mrs. Tatham has always been willing to prove the Will,—please to understand this distinctly!” Shall it not be asked who is the person that prevented her administration? Can it be any other person than Mr. A. Wells himself? Most assuredly it was not the Trustees! The Doctor was deluded by Mr. Wells with flattering hopes and promises during eight months. This may appear strange, but when explanation is given it only heightens his guilt. It was necessity that compelled the Doctor and his Co-Trustee to seek other advice, each choosing his own attorney, at which time both were informed that to pay money before being in possession of the trust funds is preposterous advice.

No. 7.—Is pure invention, no such proposal was ever made! W. P. Tatham’s assets were £235 18s. 5d. So late as December 1st, 1865, there was no loss.

The end of January 1866, near to the close of the Widow’s term of grace, the Railway Stock in her possession had sunk in price £700; she then regretted her past conduct, and was anxious to administer to her husband’s Will, and give a release; for which intent, she made stipulations with the Trustees conditional on a first release of the

stock. The Trustees accepted the terms proposed, and at the Widow's request the Doctor conferred with Mr. Arthur Wells on the subject; he approved of the terms of agreement, but neglected to carry out the instructions given him. In February, the Widow and the Doctor were very anxious to have their affairs brought to a close; they thought Mr. A. Wells very dilatory and neglectful; the Doctor's visits to his office were frequent during the month urging despatch. Mr. Wells in excuse said, "he was very busy on important and pressing business which engrossed much of his time. The second week the Doctor finding nothing done, at the Widow's request went to him with her compliments for the Will, but he would not tender it. Because of his great stress of business, the Doctor then requested him to permit his brother Henry Wells, formerly the senior partner, to proceed with Harriet Tatham's administration; this he did not seem to relish, but said that he would see Mrs. Tatham on the matter; afterwards the Doctor told Harriet Tatham that she must obtain the Will for herself.

By way of explanation I may perhaps be permitted to say that Mr. A. Wells had such a fat job in hand, viz., the Nottingham election committee of enquiry, that he could spare no time to attend to secular business. With regard to the *Tatham trust*, "he like the dog in the manger would neither eat the hay himself, nor permit others to eat it." In the beginning of March, the Doctor, at the widow's desire, called upon Mr. A. Wells to say, "that she was tired of this protracted delay, and that if her administration was not attended to at once and proceeded with, the Will of her husband must be given up, or that measures would be taken to enforce its deliverance, for all parties interested under the Will were very anxious to have affairs settled." In reply Mr Wells said, "he was still very busy, that a few preliminary matters required looking into before her administration, if I, the Doctor, would call next week, he naming the day, that he would have all things in readiness." I called on the day and hour fixed upon, at 11 o'clock in the forenoon, and found him still busy with his papers. He said "if you will go down to the Probate office I will follow you in a few minutes." I sat waiting at the Probate office in a room with two junior clerks, to the right hand entering from the street; in the course of twenty minutes Mr. A. Wells was announced, and shewn up stairs. A clerk told me to remain where I was; after the lapse of ten minutes I was told to go up stairs. On entering the room Mr. Wells was speaking in an under tone of voice to Mr. Hawkrige; a few minutes afterwards he turned round and advancing to me, shook hands with me, saying, "Good morning Doctor," and immediately left the office. I enquired of Mr. Hawkrige what instructions Mr. A. Wells had left respecting Harriet Tatham's administration. He replied, "None! Not a word has been said!" I walked across the street (Week-day Cross) with Mr. Hawkrige to his other office, when he exclaimed, "This is strange conduct on the part of Mr. Wells, I cannot understand it." I asked Mr. Hawkrige what I should do in the matter, he said "Don't offend him, keep on



good terms, he and the Widow have you in a cleft stick ; If Mr. Wells has taken a wrong twist, he may injure you severely, and fritter away the trust estate by a suit in Chancery." He said, "Mind what I say ! Keep on good terms, and let him proceed with the case, you cannot do better under the circumstances !" I followed Mr. Hawkrigge's advice, but feeling much hurt by the treatment I had received I did not call again at his office till near the close of the month, when I was informed that he had gone to London on the Nottingham Election Committee of Enquiry. Mr. Wells did not return until May. The first few weeks in May I could not meet with him at the office; afterwards I called at his residence, Cavendish Hill, in the evening on my way to Woodthorpe and found him at home; my reception there was anything but agreeable, courteous, or civil. He said, "I have told you Doctor, over and over again, that nothing can be done until her debts are paid," and shut me up by saying "altercation is useless, I will hear no more of it." Having arrived at Woodthorpe, I told Harriet Tatham what had occurred, and said that further interviews with Mr. Arthur Wells are useless. I also said that her plea of having done everything in her power, and that she was sorry for what had happened, availed nothing. She must get her husband's Will, demand it; Mr. A. Wells could not withhold it from her if she was determined to have it. In June, July, into August, I urged Harriet Tatham to obtain the Will, and that I would see to her administration. From the time of my brother's death I had journeyed to Woodthorpe upwards of sixty times, and also had repeated interviews with Mr. A. Wells, endeavouring to effect an amicable arrangement, but all to no purpose. Mr. Wells had gained that ascendancy over the mind of the Widow, that no one could move her or influence her conduct. In June I made up my mind to pay no more money until I was in possession of the Trust funds, and told Harriet Tatham that if she persisted in refusing to administer, she would have to pass through the Bankruptcy Court.

No. 8.—This is incorrect as to time ! It occurred in February 1866, when the Trustees accepted Harriet Tatham's proposal conditional on a first release of the Railway Stock, which Mr. Arthur Wells at the time sanctioned, but neglected to carry out the instructions given him as narrated in the foregoing section (7). See also the answer, first pamphlet.

No. 9.—This is pure invention ! It can have reference only to a conference with his compeers, the lawyers, in January and February 1867, a year and a half later. See page 9, first pamphlet.

No. 10.—This also is untrue ! When once a statement is falsely made, many more in succession are required to make them tally. Can the first entry in Mr. A. Wells' day-book be relied upon, involving as it does such a recurrence of mis-statements ? See answer, page 10, first pamphlet.

No. 11.—The Trustees were at all times open to an amicable arrangement, and were desirous of entering into an agreement for a

release of the Trust funds. Mr. Arthur Wells never made any proposal for release, but neglected to carry out even those instructions which had been given him. During three months, so late as December 1st, 1865, Mr. A. Wells had opportunity of paying all creditors in full. The remaining assets of W. P. Tatham, over and above the Trust funds, must have been handed over; the Trustees had no power to keep what did not belong to them. Besides, Mr. A. Wells never gave them the chance of having more than their due. Did Mr. Arthur Wells suppose the Trustees were such fools as to carry coals to Newcastle, merely for the pleasure of carrying them back again? The money was there, it had not to be sought for; the whole statement made by Mr. Arthur Wells is a fabrication.

No. 12.—Surely! Mr. Arthur Wells must have estimated the honour of the Trustees by the measure of his own strike, by that measure of truth he has so far distinguished himself throughout this business.

No. 13.—See page 10, first pamphlet.

September 10, 1866.—I (the Doctor) for the first time consulted with Mr. Brown (of Messrs. Percy, Goodall, and Brown), he said, “that he would speedily have the estate out of their hands.” After Mr. Brown’s interview with Mr. A. Wells he altered his tone, and intimated as though I were not correct in my statements, or that there were discrepancies he could not reconcile; he thought Mr. A. Wells a respectable and reliable man, and that I could not do better than let him proceed with the case. In reply, I said that I once thought so too, but nine months experience of his conduct had taught me to think differently. I felt that I was duped by him, and he the cause of all the mischief which had befallen the estate. I had made up my mind to part with no more money until in possession of the Trust funds, and if the Widow continued obstinate in refusing to administer, she must go through the Bankruptcy Court. Mr. Brown said, “he thought I was on the right tack.”

October 31st, 1866.—Thomas Crowther Tatham, eldest son of the Widow, came over to Ratcliffe requesting payment of his Father’s debts. I happened to be there at the time, and said to him, “that the Trustees have determined not to pay his father’s debts until his mother has administered and given release to the Trust funds.” T. C. Tatham, on his way home, called upon Mr. A. Wells; the next morning I received this note:—

(Copy).

“WOODTHORPE, OCTOBER 31st, 1866.

Dear Uncle,

“Since I saw you at Ratcliffe I have seen Mr. Arthur Wells. My mother *declines* having *any* interview *with you* to-morrow on business. Henceforth all communications *must* be carried on between my Mother’s Solicitor and yours.

I remain yours truly,

T. C. TATHAM.

November 6th.—The Rev. D. S. Tatham, contrary to my instructions and advice, and without my knowledge and consent, paid over

to Harriet Tatham £146 8s. 7d. under a promise then made, that she would administer to her husband's Will within a week from that date and release the stock.

November 14th.—Harriet Tatham, instead of fulfilling her promise to administer, craftily left on the Rev. D. S. Tatham's table a bill of sale of her furniture, purporting to be sold to him, which he refused to acknowledge as a bargain, and disavows that he in any way contracted for the same in word and deed, but that the money so paid over is a gift in payment of her husband's debts. By whose instruction did the Widow perform this act of perfidy and treachery?

No. 14.—This paragraph seems to appear as though Mr. A. Wells suggested the winding up of W. P. Tatham's estate at his death, and since, under the direction of the Bankruptcy Court.

Is not this in keeping with all the rest of his conduct? It became a matter of consideration afterwards among the lawyers a year and a half later, in December, January or February, 1867. Mr. A. Wells never was willing, never intended that should be the case: Why? Was it not to escape the perils of a most disgraceful position, because of the revelations that might have been made, had she passed through the court? Did not Mr. A. Wells evade that dilemma by an act of treachery? Who advised the bill of sale of her furniture, and for what purpose? Was it not that Mr. A. Wells might have to say that she owed no debts, and that she sold her furniture to pay off the debts of her deceased husband? Mr. A. Wells, on two occasions, has pleaded that the Widow sold her furniture to pay off the personal debts of her deceased husband! See pages 11, 16, and 17, first pamphlet.

No. 15.—The Rev. D. S. Tatham in the goodness of his heart paid the Widow's debts. This bill of sale is Mr. A. Well's recompense to entrap the Trustees into greater difficulties. Has he not punished them severely for their benevolence and kindness to Harriet Tatham? Has he not held the terrific rod of Chancery suit over their heads, and deceived them by wily and overt acts, devastating their property under a pretended sanction of law?

No. 16.—This section refers to the stipulations between Harriet Tatham and the Trustees, February 1866, conditional on a first release of the Railway Stock, at which time Mr. A. Wells neglected to carry out the instructions given to him. He also refused to give up W. P. Tatham's Will at the request of the Widow; he has since enhanced her demands when the trust estate was undergoing ruinous losses by its detention at her hands. I do not wish to accuse wrongfully, but no action whatever takes place without motive, whether from design, caprice, or other cause, it may be equally faulty. Mr. A. Wells is the mortgagee on the late W. P. Tatham's freehold estate, which includes nearly an acre of land. What could induce him to say in February 1867, that its full sale value is worth no more than £600. I will leave its sale value to the judgment of any person

of ordinary capacity who will take the trouble to inspect it. Mr. A. Wells tried hard to get it surrendered by the Trustees for that price, £600; the Doctor offered £700, and is legally the purchaser, but Mr. Wells did not let it go to the Doctor for that sum, but foreclosed for that price to himself, ostensibly for Miss Crowther. The property was not advertised nor properly put up for sale. It has cost £1450. Is there not here room for suspicion? How soon may Mr. A. Wells think fit to foreclose his mortgage?

The house as it stands, suitable for those requiring such a house to live in, is worth £1000; for any one to purchase wishing to make alterations or additions it is worth £900; it was appraised at £800, its lowest value, and the Trustees were obliged to let it go for £700 or run the risk of a suit in Chancery. Is it not then apparent that the surviving Trustees were not free agents in the matter; that their own attorneys were merely interceders to make the best terms they could with Mr. A. Wells? Recollect Mr. A. Wells is the mortgagee for £500, the house having been sold for £700. I leave the public to infer how far Mr. Wells has taken care for himself in the matter, and how far he has wronged the Trustees in his exercise of arbitrary power.

Nos. 17 & 24.—Is false! Harriet Tatham did no such thing as sell her household furniture to pay her debts; the furniture is still in her possession, and in her use! The bill of sale is a forgery! The surviving Trustees paid her debts in full (cash), which Mr. A. Wells, with audacious impudence and effrontery, has denied upon two separate occasions that they have been paid at all by the Trustees. See page 11, sections 17 & 24, and page 16, paragraph 6, first pamphlet.

No. 29.—To show the tyranny of Mr. Arthur Wells, the Doctor relates the following occurrence in February 1867. The Trustees at that time were preparing to make up the deficiency in the estate, and to place it on reliable security:—

February 20th.—Mr. Brown, Solicitor, read a letter to the Doctor from Mr. A. Wells, stating, “that he will not consent for Harriet Tatham to administer to her husband’s Will, unless the Trustees agree beforehand to pay for her administration, pay the cost of conveyance of the freehold (of the late W. P. Tatham) to Miss Crowther, her sister, for £700, and pay his law bill (he, the author of all the mischief).” This last straw broke the camel’s back, the Doctor could endure no longer! He did wait however for a time, but it was under the threat of a Chancery suit which Mr. A. Wells had it in his power to inflict. The lapse of a month gave time for reflection. The Doctor finding nothing done, not a step in advance, demanded his papers, and repudiated *in toto* the stipulations proposed to be made.

The Doctor believes Mr. Brown to be thoroughly sincere, and that he did the best he could under the circumstances.

The Doctor must now refer his readers to the first pamphlet for the answers in reply to the succeeding sections, as they appear from 17 to 28. Because he will now have to make some observations on Mr. Arthur Wells’ conduct and behaviour.

## THE ARGUMENT.

What is to be understood by Mr. A. Wells' assertion, "that he never has been in any way concerned in matters relating to that estate?" Does he mean to imply, because the partnership is dissolved between himself and brother (Mr. Henry Wells), formerly the senior partner, that he, Mr. Arthur, is released from all obligations relating to the estate of the late Thomas Tatham deceased? Does he mean to assert that because Mr. Henry Wells, now reduced by misfortune to a clerk in his office, that he (Mr. Arthur) is in no way responsible for transactions that have been conducted through their office by his brother? Was their partnership agreement so constructed, based on such conditions, that the entire business could be conveyed to Mr. Arthur Wells, without responsibility to all previous and future conditions, flowing out of their connection in business? If so, what may become of deeds, covenants, contracts, documents, etc., left in his possession at the office? Are they not considered trusts (nest eggs) where others may be also deposited, and which frequently entail fresh obligations? Can Mr. Arthur Wells throw off obligations with impunity; turn traitor to those who were clients, to suit his mere whim and caprice? Was it not natural for the Trustees to go to the office where all the business pertaining to the Will and estate of their father, (Thomas Tatham,) had been conducted for more than twenty years? Were the Trustees inimical to Harriet Tatham because she also sought advice there? No! they were pleased she did so! For she had agreed to effect an immediate release of the Trust funds, and the Trustees had promised to pay her debts, and otherwise assist her on receipt of the same. For Mr. Arthur Wells to say that he was not so engaged, rests on the evidence adduced. Setting aside that evidence for the present. Was it the act of a gentleman to lead the Trustees on for nine months under the guise of friendship, and never at any time to acquaint them he was acting solely on behalf of the widow? Human nature revolts at such perfidy! Had not the feelings of the Trustees been severely wounded by the discovery of their late brother's breach of trust? Should not reparation have been instantly made to heal those wounds? Could it have been supposed they were to undergo a severer infliction by collusion between the widow and family solicitor? Does it not also shew the Trustees were too reliant upon that sense of honour and integrity, ever to imagine they would have led them

into insuperable difficulties? What has this violator of woman's conscience done, has he not acted a traitorous part? Led her into a wilderness of perplexity and doubt, and plunged her into an abyss of evil, from which there is no possible escape? By erroneous counsel, he has rendered her an object of reproach to all near and dear to her, by the ties of kindred and affection; polluted that religious influence, her peace of mind and apparent purity of life, for which she was loved by the whole family, and esteemed by a large circle of admirers. By these acts this veritable lawyer has thrown the apple of discord into a once happy and united family, scattered them like sheep, and laid waste their property. Can he repair the mischief done? Can he restore the happiness that once existed?

In whatever light this disingenuous conduct is viewed, it reflects no credit on the author of the scandal, the concealment adds to the crime! How could the Trustees suspect that a gentleman of supposed integrity would so treacherously have acted his part? Honourable conduct it cannot be called, whatever the motive for hostility, and this *secret disposition* is criminal in proportion to the degree from which these outward actions spring and transgress the bounds of reason and morality. I hope the candid and discerning few, who are capable of attending to the operation of their own minds, will weigh deliberately what I here advance, before they pass sentence upon it, to such I appeal as the only competent judges.

The more I contemplate this subject the worse it appears, in what I have offended I know not! I am conscious of no wrong that I have committed! The silent approaches of corruption are always allowed to be vile, to be dangerous. If it were not in some way encouraged it would be impossible for the perpetrator to escape the infamy it deserves, nor would the quality of the offender ever atone for the wretched meanness of the offence.

That I am the victim of dissimulation is sufficiently manifest.—I beg to remind Mr. A. Wells, I did not seek this quarrel, I am not the assailant, the act of unmanly aggression is upon myself, and of such a nature, as to deserve no better title, than *stealthy cowardice* that stabs in the dark. Conscientious manly dealing that true nobility of soul is foreign to his nature! Is it not of importance to feel the necessity of being moderate and just, because therein consists the advantage and security of all, the wish to enjoy at the expense of another, is a false calculation of ignorance; because the results of such proceedings are reprisals, enmity, and revenge, and that dishonesty is invariably the offspring of folly. If then wordly duplicity assumes different shapes to suit selfish purposes, true simplicity of character will ever remain the same, consistent in doing what is right in daring to oppose that which is wrong. The truly educated gentleman prides himself upon honour and honesty in all transactions. Fraud, surprise and violence may succeed for a time, permanently only by means the directly opposite. When we bid adieu to virtue we part with our best material, like vessels of degenerate commerce disappear from

those shores, where once we bartered genuine goods to profit, and reaped in return treasures from every clime. If we reflect for a moment on the amount of wealth daily intrusted to subordinates, the trust reposed by men of business on each other implied by a system of credit, based on the principle of honour in this vast commercial country. Can it be surprizing that this feeling should sometimes prevail in a higher degree by the ties of kindred and affection? What is human nature without the affections, what is it that gives strength and stability to human affairs, but trust and confidence? Life would be a blank without it, men mere cannibals, preying on each other to the extinction of every moral and social virtue.

He has little pretence to reason who is not sensible that he is subject to the same laws as his fellow-men. If he delights to think himself freed from the restraints of fear and shame, with a conceited idea of his own superior knowledge and power, and with unrestrained license binds others with fetters and embarrassment, what else can he be but a tyrant? Can it be endured that he should be allowed to go on, to be the plague of all about him and of himself too, even to his own destruction? Is not man to be held sacred both in life and property? He who recklessly destroys and lays waste the property of his neighbour, renders himself an object of abhorrence and dislike, not satisfied with the fruit of his own industry with craven-hearted injustice, he tears from the poorer man his smaller possession, under pretence of avenging the oppressed and with execrable perfidy draws to himself the spoil of which he himself was the guilty accomplice. There is however a feature, that generally belongs to and is the companion of excess and abuse, which is a determined obstinacy, not to be convinced, nor to be set right, although the affair may be ever so simple and plain; more especially, when no plea, no point of error, no misunderstanding, nor cause for displeasure can be adduced. Is there not in this admixture, doubtless much stupidity of temper, supercilious pride, and unwillingness to quit its hold? Which I cannot otherwise express than in the words, *viciousness, wantonness, cruelty, and avarice*. Are not these the natural elements of evil, which excite in the breast of every man feelings of contempt and disgust.

*"Nemo repente fuit turpissimus."*

We may compassionate a man who can defile his conscience, and look with pity into his degenerate soul, but this kind of pity renders the execution of justice difficult, and painful, and frequently perverts it.

#### AN EPITOME OF OCCURRENCES.

No 1.—William Palmer Tatham, was not insolvent, he had in assets £235 18s. 5d. His fault was in removing the securities of the Trust, and registering the funds in his own name.

No. 2.—At the end of August, 1865, the trust affairs were placed by Thomas Robert Tatham, conjointly for the Widow and Trustees into Mr. Arthur Wells' hands to settle. The only diffi

culty then existing was relative to the transfer of the Railway Stock, whether it was liable to Probate duty or not, Mr. A. Wells said, it was liable to the duty, but being Trust property improperly held in William P. Tatham's name, he thought he should be able to get the duty remitted. He then promised to effect a transfer of the stock with as little delay as possible.

- No. 3.—Mr. A. Wells subsequently poisoned the mind of the Widow, he told her not to administer to her husband's Will, that the Railway Stock, was virtually her property, the trustees could not enforce its deliverance under six months from the time of her husband's death, without entering into an expensive law suit.
- No. 4.—By law a Widow has the privilege of six months grace before administration.
- No. 5.—Mr. A. Wells had the opportunity several months, of paying all creditors in full and realizing for the Widow £400. The Trustees promised to pay her debts £161 18s. 7d., on a first release of the Trust funds.
- No. 6.—At the end of January, 1866, the whole amount of Railway Stock had sunk in price £700, she then wished to administer to her husband's Will, and made stipulations with the Trustees for a release of the said stock.
- No. 7.—Mr. Arthur Wells was consulted respecting those conditions of release, he approved of the terms proposed, but neglected to carry out the instructions given him. On account of Mr. A. Wells' neglect and tardiness, the Widow sent the Doctor (T. R. Tatham) twice with a message to him for her husband's Will, but he would not tender it. Subsequently Mr. A. Wells enhanced her demands, when the trust estate was suffering ruinous losses by its detention, (Mr. A. Wells) he refusing to release it unless the Trustees complied with conditions most grievous and burdensome.
- No. 8.—Mr. A. Wells not only neglected to carry out the instructions given him in August, 1865, but also in February, 1866. The Doctor was deluded by him from time to time with flattering hopes and promises, until at last by necessity, he was obliged to seek other advice.
- No. 9.—The Trustees have paid out of their own private funds more than £500, to meet various claims devolving on the Trust.
- No. 10.—Every Attorney since consulted says "that to pay their Brother's debts, also to meet claims devolving on the Trust, before being in possession of the Trust funds is preposterous advice."
- No. 11.—Mr. Wells by an abuse of power has treacherously thrown away £400 for the Widow, and £1600 of the Trust estate.



- No. 12.—Thomas Robert Tatham, had paid £14 10s. 0d. of the Widow's debts, to induce her to administer, and to show his readiness to pay the whole amount £161 18s. 7d., on the release of the trust funds.
- No. 13.—November 6th, 1866, the Rev. D. S. Tatham paid the remaining £146 8s. 7d., under a promise that Harriet Tatham then made to administer to her husband's Will, within a week from that date.
- No. 14.—November 10th, Harriet Tatham instead of fulfilling her promise, craftily left on the table of the Rev. D. S. Tatham, a Bill of Sale of her household furniture purporting to be sold to him, which he never contracted for either in word or deed, and refuses to acknowledge as a bargain, but that the money so paid over is a gift in payment of her husband's debts.—See Section 15.
- No. 15.—Mr. A. Wells in his letter May 4th, 1867, says "that Mrs. Tatham sold her furniture for money to pay off the personal debts of her deceased husband." Also May 25th, 1867, he pleaded in the presence of Joseph Sale, Esq., Solicitor, Derby, and the Doctor, (T. R. Tatham) that, the debts are still unpaid, and that she sold her furniture to pay off her debts with. Her furniture is still in her possession and in her use, and her debts were paid in full by the Trustees, none left unpaid.—See Section 17 and 24.
- No. 16.—Mr. A. Wells in his letter, clause 1, says "that he never was in any way concerned in matters relating to that estate of Thomas Tatham deceased, and in clause 22, that Harriet Tatham was at all times willing to administer. Please to understand this distinctly."—Section 1 and 22.
- No. 17.—May 31st, 1867, Harriet Tatham under the direction of her Solicitor, Mr. A. Wells, proved at the Probate Office, that her husband, William Palmer Tatham was £200 insolvent at death, although he had in assets, £235 18s. 5d, over and above his liabilities.
- No. 18.—June 17th, 1867, Mr. A. Wells to absolve Harriet Tatham from all future obligations, relative to the surrender of the Railway Stock, she had kept in her possession a year and ten months, drew up a legal instrument to give Harriet Tatham a full release from all responsibility relative to the loss incurred on the Railway Stock at its depreciated value. The Trustees refused to accept the document on the terms specified, unless some verbal alterations were made. Mr. A. Wells in his exercise of arbitrary power by the above instrument of release to Harriet Tatham, has defrauded the Rev. D. S. Tatham in the Bill of Sale of her furniture of £153 7s. He has also

fraudulently taken from the assets belonging to the estate of Thomas Tatham, deceased, the sum of £116 over and above what was due (the £700), in the conveyance of the real estate to Miss Crowther, Harriet Tatham's sister, in the following manner:—

The freehold house and garden of the late William P. Tatham, contains nearly an acre of land, it was appraised at £800, and is conveyed to Miss Crowther for £700, under the threat of a Chancery suit, which Mr. A. Wells then held over the heads of the Trustees.

Is it not apparent, the Trustees were not free agents in the matter, and that their attorneys were merely interceders with Mr. A. Wells, to make the best terms they could with him, in their behalf. Miss Crowther's debt was only £184, which is paid in full out of the estate, not rateably with the Trustees as Mr. A. Wells has asserted.

Harriet Tatham's debts, £161 18s. 7d. were paid in full by the Trustees out of their own funds. The Bill of Sale of Harriet Tatham's furniture is a forgery, the Rev. D. S. Tatham is swindled by Mr. A. Wells out of £153 7s. 0d., he has also robbed the Trust funds of £116 0s. 0d., and given it to Miss Crowther, at a time when the Trust estate was devastated by his tyranny, and wrong to one-half its original value. The sum total wrested from the Trustees to benefit Harriet Tatham and Miss Crowther, amounts to £431 5s. 7d.

Mr. A. Wells had previously thrown away £400 of the Widow's money. All creditors would have been paid in full, nothing wasted, if the instructions of the Trustees given to Mr. A. Wells at the end of August, 1865, had been carried out, and the Widow would have been also more largely benefitted.

What a benevolent-minded Christian Mr. A. Wells must be! What a gem of a lawyer to have created so much mischief and embarrassment!

Besides the losses enumerated, I am informed, the Trustees have yet to pay about £170 in law expenses, the result of Mr. A. Wells' merciful consideration and kindness, in his (*honest*) endeavours to do the best he could for all parties interested under the Will of Thomas Tatham, deceased.—See Letter, page 8. Section 23, 24 and 27.

No. 19.—The Trustees have been kept out of possession of the trust estate two years and four months, now reduced to half its value. Not transferred to them until November 20th, 1867.

No. 20.—Are not the lives and property of her Majesty's subjects to be held sacred? Why should Mr. A. Wells have acted con-

trary to conscience and legitimate duty? Can he assign a reason? Is it not apparent that no tangible reason can be given for such conduct, unless it be to gratify his supercilious pride and assumption of arbitrary power, to entrap the trust estate, and render it liable to penalty?

No. 21.—The *quo animo* (the intent) is the soul and rule of British law. The evasion and subversion of the laws to corrupt practices, are treasonable offences against the state, and the welfare of the commonwealth.

No. 22.—*Perfidy, Treachery, Perjury, Laying waste property and Treason*, are punishable by *fine, imprisonment, transportation, confiscation, and death*.

### CONTINUATION OF ARGUMENT.

If Mr. Arthur Wells considers, the subject matter of his letter May 4th, 1867, to Joseph Sale, Esq., Solicitor, Derby, satisfactory and conclusive, a final explanation in answer to all the circumstances that preceded it, he labours under a mistake. I cannot allow the matter to rest in that position, nor will I yield to such a subterfuge, neither will I submit to be sacrificed because he chooses to act wrongfully. Every tub must stand on its own bottom, every man is responsible for his own actions. I will not sit unconcerned, while my liberty is assailed and property invaded, nor look in silence upon treachery and cowardice. I will lift up the veil with which it is shrouded to conceal its nakedness, and expose it to view in its hideous deformity. I will exert my endeavours at whatever hazard to repel the aggressor and drag the thief to justice, nor shall any thing shelter him from the treatment he deserves, whoever may protect him in his villany, if I can find justice in law, and law in equity.

I therefore call upon Mr. Arthur Wells to give explanation of the causes, that led him to wrest the law to his authority? Why he subverted the wholesome provisions of the law to base purposes? Why he has punished virtue as a crime, the innocent as guilty? Why he has falsified my brother in his absence and death? If he has any proof in explanation of his own conduct in the case, similiar to that which I now lay before you, let him produce it?

“Because authority though it err like others,  
Hath yet a kind of medicine in itself  
That skims the vice o’the top: Go to your bosom;  
Knock there; and ask your heart what it doth know  
That’s like my brother’s fault: if it confess  
A natural guiltiness, such as his  
Let it not sound a thought upon your tongue  
Against my brother’s shame.”

Is it not apparent that justice is not always the object in view? The object as it really exists, is not sought to be verified, not the evidence of that which should prevail, but the establishment of mere personal advantage a power to exercise, an interest to serve, a prerogative to assume, like that of an officious policeman, who takes upon himself the functions of accuser, judge, and jury, the privilege to hang first. and try afterwards!

“ But man, proud man  
Drest in a little brief authority  
Most ignorant of what he's most assur'd  
His glassy essence. Like an angry ape  
Plays such fantastic tricks before high heaven  
As makes the angels weep.”

By whose advice was erroneous counsel pursued?

By whom were false representations made?

By whose authority was the Trust estate surreptitiously detained two years and four months?

What could cause this infamous delay?

Was it from a just and honourable course the Trustees had any thing to fear?

Men of integrity are readily deceived when they believe they are dealing with men of integrity?

Who can guard against insidious attacks when pretended friends act the part of enemies?

Natural feelings may be exhibited like the common courtesies of the world, to deceive those who confide in them. Surely it must be the consideration of this circumstance joined with a detestation of deceit, and the consciousness that it is a duty to do unto others as we would that they should do unto us, that produces this anomaly of character, both common and well understood. Is it not necessary to feel and perform, what is just and honourable to be done amongst mankind.

Any one would suppose, that prudence itself would make a man shy of being guilty of perjury, lest the concealment of the crime, should be imputed to him as a favour, and he made use of as a handle, afterwards for obliging him to do as much dirty work, as he had done before. Men if they will be unjust, work out their own shame and sorrow. Is it not necessary, he should be made to feel that he is an accountable agent by the infliction of punishment, for doing that which is forbidden by the laws of his country, and the teachings of the gospel? All this he has done with the most audacious effrontery, equalled only by his treachery, and with an abuse of power too atrocious to allow it to be passed over in silence.

Short sighted is he who thinks to lie concealed to the end, the eyes of God are sharp, he sees all things, and sometimes permits the

unrighteous man to be overtaken, tottering under the weight of his iniquity. Cold calculating avarice with the soul of poverty! Rich in wordly possessions, but in reality the gilded slave of sordid meanness! A man may build fine houses, conservatories, greenhouses, vineries, fish ponds, etc., but how long may he live to enjoy them. Possibly he may be allowed to complete his ideal security, then comes the sudden stroke of death, summoned into the presence of his Maker, all is lost; nay! even that source of the highest enjoyment, an easy conscience without which wealth is as nothing, ungodly gains like a millstone about his neck, sinking him lower and lower into the depths of perdition. Alas! when this uncertain dream of life shall be over, what then will avail all our busy passions, unless they have left behind them the footsteps of utility.

It is said, this lawyer is a pious saint, a believer in predestination and election. Well if he is predestined to be an earth worm, is it not possible he may be ordained like a woodlouse to run in a groove of his own making? What so natural? Pride destitute of benevolence may render its possessor strict and devout in the externals of religion, though he may live in violation of its most essential mandates, combined with arrogance and cruelty, it may qualify him to be a judge or an executioner, in the chambers and dungeons of the inquisition.

"Woe unto you, Scribes, Pharisees, and Hypocrites, for you have omitted the weightier matters of the law, judgment, mercy, and faith; these ought ye to have done."

"Even so ye also outwardly appear righteous unto men, but within ye are full of hypocrisy and iniquity."

"For ye devour Widows houses, and for a pretence make long prayer: therefore ye shall receive greater damnation."

"For they bind heavy burdens and grievous to be borne, and lay them on other men's shoulders, but they themselves will not move them with one of their fingers."

He who forgets the first law and commandment, his duty to God, and to his neighbour, rebelling against conscience, those sacred obligations necessary to the preservation of the peace and the security of society. Must he not be made sensible of and accountable for misdeeds, that the workers of iniquity may be put to shame? Surely then! must not a pretended saint, the professor of purity and holiness, be brought under the ban of the law, for works of impurity and crime? Nay! seized by the Clerk of the Peace, and nailed by the lobe of his ear, to the door-jamb of the Police Office, exposed to the jeers and scoffs of a derisive populace, fined threefold the amount of loss he has occasioned to others, by fraudulent conduct, and imprisoned for a period of time, proportioned to the enormity of his offence?

"Cambyeses, King of Persia, flayed alive a partial judge, whose skin he nailed to the judgment seat, he then appointed his son to succeed him, telling him to remember where he sat."

“When once the court goes on the side of injustice, the law becomes a public robber, and one man really a wolf to another.—(Lord Bacon.)

Ignorance of the law does not excuse a man in its tenor and rigour, either for faults of *omission* or *commission*. Lawyers are as liable to the penalties of the law, as other men, when they depart from the path of rectitude and good faith. Medical men are confidential agents, so are lawyers! What hanged Palmer and Pritchard, but breach of trust, and taking away the lives of their patients? What should hang lawyers but breach of trust, and laying waste the property of their clients? When an unscrupulous knave puts his head within the noose of the halter, he must be hanged like any other malefactor!

Some persons may think that my language is unnecessarily, censorious, and severe. A critical examination of the facts related fully justifies the use and is properly due to the severity of the causes which excited it. If such there are who would pass over the criminality of the offender, and treat it only as one of those casualties common to the lot of mortals, let them consider, how they would feel themselves, if placed in similar circumstances.

To give lenient epithets to crime is the sign of a corrupt age, and the means whereby to insure its further success.

The greatest benefactor to the human race is he who honestly repels the stealthy encroachments of vice, not the unconcerned spectators, that allow it to escape unpunished. After injury is committed, how requisite it is that the offender should be punished; the calm deductions of reason, the peace and security of society demand it. Surely then! indignation and resentment may be properly employed against them.

Will men never open their eyes to the light of reason and of truth, why this blind fatality, why should men sport with the lot of mortals, why this unjust necessity, which confounds the issue of actions whether they be those of prudence or of folly? Is it not time that the tribunal of sound understanding, should be made to bear against the maledictions of false wisdom and of hypocritical cant? The calumniators of just and honourable men, by crafty insinuations and lawless violence? Law it is called, but is not the evasion and subversion of it, the destruction of all that is virtuous and wise? In fine have they not corrupted every idea of good and evil. just and unjust, virtue and vice, and led men into a labyrinth of uncertainty and mistake? Is it venality that overthrows the fortunes of families or the venality of the organs of the laws?

“Sir William Drummoud, says “Philosophy, wisdom, and liberty support each other; he who will not reason is a bigot, he who cannot is a fool, and he who dares not is a slave.”

Shameless exclusive arrogance regardless of the just rights of others, must not be allowed to escape the penalty consequent on mis-

deeds. Justice demands measure for measure! It cannot be deemed exceptionable that he should be fought with his own weapons on the ground, he himself has chosen. Possibly it may be the most wholesome lesson he can have to teach him to learn and to feel the value of truth, and the value he has placed on his own character.

I will venture to assert, there are but few in the lowest scale of social life, who would not have shewn more native, vigour of intellect, and a higher sense of *morality* and *justice*, than is here displayed in the hypocritical cant of this miserable driveller.

For it is by the proper culture of these faculties of the mind "*morality*," and "*justice*," which exalt and dignify human nature, while on the other hand the neglect or perversion of them, makes it degeneracy and corruption.

I remain, Sir, in truth and sincerity,

with all due respect.

Yours faithfully,

THOMAS ROBERT TATHAM.

TO ARTHUR WELLS, ESQ.,

*Clerk of the Peace.*

June 10th, 1868.













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